

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Damien Kytrell Ford,

Petitioner,

v.

Calvin Johnson, et al.,

Respondents.

Case No.: 2:21-cv-01742-APG-DJA

**Order Granting Motion for Appointment  
of Counsel and Provisionally Appointing  
Federal Public Defender**

[ECF No. 4, 6]

This is a habeas corpus action under 28 U.S.C. § 2254. I have reviewed the petition for a writ of habeas corpus<sup>1</sup> under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Petitioner Damien Kytrell Ford presents issues that could benefit from representation by counsel. Ford is unable to afford counsel.<sup>2</sup> I will grant his motion for appointment of counsel<sup>3</sup> and provisionally appoint the Federal Public Defender.

I THEREFORE ORDER the Clerk of the Court to file the petition for a writ of habeas corpus and the motion for appointment of counsel, currently in the docket at ECF No. 1-1 and 1-2, respectively.

I FURTHER ORDER that Ford's motion for appointment of counsel is **GRANTED**. Counsel will represent Ford in all federal proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed to withdraw.

I FURTHER ORDER that the Federal Public Defender is appointed provisionally as counsel for Ford. The Federal Public Defender will have 30 days from the entry of this order to

<sup>1</sup> ECF No. 1-1.

<sup>2</sup> See ECF No. 4.

<sup>3</sup> ECF No. 1-2.

1 either undertake representation of petitioner or indicate to the court its inability to represent Ford.  
2 If the Federal Public Defender is unable to represent Ford, then I will appoint alternate counsel,  
3 subject again to establishment of financial eligibility. The court will set a deadline for filing of  
4 an amended petition or a motion seeking other relief after counsel has appeared. I do not signify  
5 any implied finding of tolling during any time period established. Ford always remains  
6 responsible for calculating the limitation period of 28 U.S.C. § 2244(d)(1) and timely presenting  
7 claims. I make no representation that the petition, any amendments to the petition, and any  
8 claims in the petition or amendments are not subject to dismissal as untimely. *See Sossa v. Diaz*,  
9 729 F.3d 1225, 1235 (9th Cir. 2013).

10 I FURTHER ORDER the clerk to add Aaron Ford, Attorney General for the State of  
11 Nevada, as counsel for the respondents.

12 I FURTHER ORDER that the respondents' counsel must enter a notice of appearance  
13 within 21 days of entry of this order, but no further response will be required from the  
14 respondents until further order of the court.

15 I FURTHER ORDER the clerk to provide copies of this order and all prior filings to both  
16 the Attorney General and the Federal Public Defender in a manner consistent with the clerk's  
17 current practice, such as regeneration of notices of electronic filing.

18 I FURTHER ORDER that, notwithstanding Local Rule LR IC 2-2(g), paper copies of any  
19 electronically filed exhibits need not be provided to chambers or to the staff attorney unless later  
20 directed by the court.

21 DATED this 3rd day of February, 2022.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE